

REMARKS

[01] The title has been amended to address the issue noted in Item 1 of the most-recent Office Action. Paragraph [16] has been amended to address the issue noted in Item 2 of the Office Action. Item 3 of the Office Action rejected Claims 2 and 7 for lack of antecedent basis. These two claims have been canceled and their limitations incorporated respectively in Claims 1 and 6. The problems with lack of anticipation have been addressed in amended Claims 1 and 6.

[02] Item 4 of the Office Action rejects several claims for anticipation by U.S. Patent No. 6,553,507 to Cohen, "Cohen" herein. The independent claims have been amended to incorporate a limitation of "presenting a list". Item 6 of the Office Action admits that Cohen does not disclose this limitation. Accordingly, the amendments overcome the rejections for anticipation for all claims. In addition, the rejection of Claim 10 for obviousness given Cohen is overcome by this amendment.

[03] Item 6 of the Office Action rejects Claims 2-4 and 7 as obvious over a combination of Cohen and U.S. Patent No. 7,016,944 to Meyer, "Meyer" herein. In view of the amendments, this rejection is technically moot. However, to advance prosecution on the merits, the obviousness rejection is treated as if it were applied to all post-amendment claims. As applied to the post-amendment claims, the rejections for obviousness are traversed.

[04] All claims require tracking or evaluating of usage data. Neither Cohen nor Meyer discloses this limitation. Thus, no combination of these references can meet this limitation. Item 4 of the Office Action purports to find this limitation met in Fig. 1 and page 2, lines 3-17, referring to a "fault detector" and a "fault handler". No justification is

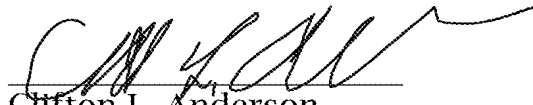
provided for equating a fault detector or a fault handler with usage tracking or evaluation. "Usage" refers to what the user is doing with the problem, while "fault" refers to problems encountered by a program, and bears no direct relationship with usage. Accordingly, the limitations for usage tracking and usage evaluation are not met.

[05] Furthermore, there is no motive for combining Cohen and Meyer. Cohen discloses a "just-in-time" method in which faults are automatically detected and addressed. Cohen teaches that it is advantageous to leave the user out of the fault correction process, thus teaching away from the list presentation taught by Meyer. For this additional reason, the obviousness rejections fail.

[06] CONCLUSION

[07] The objections to the title and specification have been addressed by respective amendments. The rejections for anticipation and the rejection for obviousness based solely on Cohen have also been addressed by amendment. The rejections for obviousness in view of Cohen and Meyer have been traversed since neither reference teaches tracking or evaluating usage, and since Cohen teaches away from the proposed combination. Accordingly, it is respectfully submitted that the present application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted



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Please amend the title as indicated in revision format below.

PROGRAM-UPDATE ~~PRIOTIZATION~~ PRIORITIZATION ACCORDING TO
PROGRAM-USAGE TRACKING

Please amend paragraph [16] as indicated in revision format below.

[16] In accordance with the present invention, a set of software programs AP1 distributed between an update website 11 and a user computer system 13 cooperate over the Internet ~~15-17~~ to provide for intelligent selection of updates for a software application 20 running on user system 13, as shown in FIG. 1. Update website 11 preferably runs on a network of computers, including servers and workstations that provide a web interface 21, a usage evaluation program 23, an update prioritizer 25, an update file server 27, and a usage database 29. While user system 13 can also be a network of computers, the focus herein is on a single user computer on which application 20 is installed.